Sectt. II-27—45,304—14-11-29.

Public (1930) Department.

MS. SERIES.

G.O. No. 541

DATED 26-4-1930

[Despatch Abstract.]

Public Service Notification - Article 1 - Exemption - Venkatesh Shenai, B and Baba, U. - Clerks, Taluk Office, Mangalore - Increments with retrospective effect - Refused - Pereira, F.M. - Increments drawn with retrospective effect - Pay refixed.

C.F. 31

Public **DEPARTMENT.**

CURRENT No.

Received C 4638 192 *Registered* 192 .

Subject.

Examination Rules - (Kanara South) - Unpassed clerks - Venkatesh Shenai B and Baba U - Clerks, Taluk Office, Mangalore - Increment with retrospective effect - Memorial.

22 NOV 1929

ENCLOSURES.
No.
Spare copies.

Reference No. E.6036/29-1

Station Madras., *Dated the* 18th November 192 9.

From B.G. Holdsworth Esq., I.C.S.,
Secretary,

~~The Board of Revenue,~~ Land Revenue & Settlement, etc.
~~Separate Revenue.~~

H.A.B. Vernon Esq., C.I.E., I.C.S.,
Commissioner of Land Revenue.

~~Resolution~~
Reference.

Read the following:-

Letter from G.W. Wells Esq., M.A., I.C.S., Collector of South Kanara, No. D.Dis. 7115/29, dated 18th October 1929:-

M. 5-7 infra

M. 15-16 infra (not read)

Two memorials, one from B. Venkatesh Shenai and the other from U. Baba, both clerks of the taluk office, Mangalore praying that retrospective effect may be given to B.P. Rout. No. 4615, dated 23rd September 1925 from 1st March 1925 as was done in the case of F.M. Pereira in B.P. Rout. No. 5 dated 4th anuary 1926 are submitted herewith.

M. 5-7 infra

M. 15-16 infra (not read)

2. The facts stated in paragraphs 2 to 7 of the memorial of Venkatesh Shenai and those given in paragraphs 2 to 5 of that of Baba are correct.

3. In my reports C.No. 5003-25-A2, dated 11th September 19

and R.O.C. No. A-2-8897-25, dated 16th December 1925 I recommended the memorialists and F.M. Pereira for a formal exemption to permit them to draw increments in the time scale in pursuance of B.P. Rout. No. 2008 dated 13th May 1924. The Board was accordingly pleased to approve of my recommendations but in the case of F.M. Pereira, it directed that he should rise in the time scale with effect from 1st March 1925, while no such specific dates were given in the case of the memorialists. I am not aware of the circumstances in which the Board permitted F. M. Pereira to rise in the time scale with effect from 1st March 1925, while no such order was specifically made in the case of the memorialists who were exempted on a prior date. In his letter T.M. 25-8-5636, dated 9th March 1927, the Accountant-General held that the service for increments would count only from the date of exemption, unless the orders of Government were obtained to give the order of exemption a retrospective effect. This view was upheld by Government in G.O. No. 97 Public, dated 3rd February 1928, in which they remarked that exemptions granted by heads of department to unpassed clerks with retrospective effect after the receipt of G.O. No. 164 Law (Education) dated 4th February 1925 were irregular.

4. B. Venkatesh Shenai, one of the 2 memorialists and F.M. Pereira were confirmed in the Department by Mr. Vibert on one and the same date long before the introduction of the time scale system and Baba the other memorialist, was confirmed a few days earlier. All of them had to their credit long approved service as permanent clerks. Their work has already been considered as capable and industrious as the average passed men. Even after the receipt of G.O. No. 97 public, dated 3rd February 1928, the Accountant-General, in his No. F.VI-1-3, dated 4th April 1928 (copy enclosed), allowed clerk F.M. Pereira to count his service for increment from 1st March 1925 in view of the Board's orders dated 4th January 1926 giving retrospective effect to the exemption order. I submit that this makes an invidious distinction between the memorialists and the other clerk F.M. Pereira. So far as the

previous records go, there do not appear to have been any special reasons why Pereira had favourable treatment. Thememorialists are as capable and hard working as Pereira, who is in no way better qualified than the former. It therefore seems to me to be fair to allow the two memorialists to count for increment from the same date as that from which Pereira has been allowed to do so. On the analogy of G.O. No. Mis. 1136 Revenue Department dated 12th July 1926 and in view of the Hon'ble the Revenue Member's reply to question No. 2276 dated 25th August 1926 in the August 1926 session of the Madras Legislative Council, it however seems that retrospective effect can be given in the case of unpassed clerks exempted from the examination rules. I, therefore, recommend that Government may be kindly moved to grant the request of the memorialists, which is reasonable.

****

REFERENCE.

Submitted to Government.

2. The memorialists were allowed to rise in the time scale on Rs.35-60 in B.P. 4615 Routine dated 23-9-1925 subject to the conditions regarding approved service and efficiency bar laid down in paragraph 2.iii and 2 (iv) of G.O. No. 722 Law (Education) dated 13-6-1922. They now request that retrospective effect may be given to that order of exemption from 1-3-1925 as was done in the case of F.M. Pereira similarly circumstanced so that they can count service for increment from 1-3-1925. In its Proceedings 5 Routine dated 4-1-1926 the Board permitted F.M. Pereira to rise in the time scale with effect from 1-3-1925, as it then considered that exemptions might take effect from that date. As the case of the memorialists in question is similar to that of the unpassed clerk referred to above, the Board supports the Collector's

recommendation.

B.V. Patel Rao 20/11/29

for Secretary.

To the Chief Secretary to Government, Public Department

with two memorials and enclosures in original.

V.C/19.11.29.

RWRS 20/11
WCD

Copy of letter from the Accountant-General, Madras, No. F.VI-1-3, dated 4th April 1928 to the District Forest Officer, North Mangalore:-

---

Reference:- Your R.O.C. No. 157/W.A. dated 12th March 1928 as to the date of increment to be allowed in the case of unpassed clerk F.M. Pereira.

The clerk can count service for increments from 1st March 1925 i.e. he can draw Rs.36½ with effect from 1st March 1927.

To

His Excellency the Governor in Council,

Fort St George, Madras.

Through

The Commissioner of Land Revenue and Settlement, Madras

and

The Accountant General, Madras

and

The Collector of South Kanara.

Humble memorial of B. Venkatesh Shenoi, Clerk, Taluk Office, Mangalore dated 29th July 1929.

May it please Your Excellency

The abovenamed memorialist most respectfully -- begs to represent the following few lines for your ---- Excellency's benign consideration and favourable orders.

2. The memorialist and Francis Pereira(clerk now working in the District Forest Office Mangalore North Division), who were both unpassed clerks, were confirmed in the Revenue Department on one and the same date (vide Collector's order Dis. No. 2738.D.Rev 17 dated 21-9-1917)

3. At the revision introduced by G.O.No. 711 Financial dated 11-7-1921, both clerks' initial pay was fixed at Rs 35/- in the Time scale of Rs 35-60 with effect from 1-3-1921(see Collector's D.Dis. 4688/21 V.2 dated 3-12-1921).

4. While the memorialist and F. Pereira were drawing the increments continuously, (as others in similar circumstances did) under the sanction of their Heads of Offices in conformity with the Accountant General's letter No.T.M 25-9.4095 dated the 20th/21 March 1923, the B.P.No 2871 Routine dated 18-7-1923 was received requiring that Board's special sanction was necessary to allow unpassed

unpassed clerks to draw increments in the time scale. In pursuance of these instructions, the Collector addressed the Board of Revenue seeking the formal sanction for these men. After a long correspondence, the Board however passed orders that cases of individual clerks should be submitted to them. The memorialist and others were therefore called upon to refund the increments already drawn by them and the amounts were fully recovered from them.

5. The memorialist then applied for a formal exemption and was exempted by the Board of Revenue in their B.P. Routine No. 4615 dated 23-9-1925. Francis Pereira was also exempted later in B.P. Routine No.5 dated 4-1-1926, as he had applied for it later.

6. In fairness and justice, both of them should have been allowed to draw increments from the date of the introduction of the Time scale system in recognition of their past long and approved service as is done in the case of similarly exempted P.S.L.C Clerks in G.O.No. Mis 1136 Revenue Department dated 12-7-1926, and as per -- declaration made by your Excellency, as Revenue Member, in answer to Question No. 2276 in the Proceedings of the Legislative Council dated 25-8-1926 that if a man was exempted, he was entitled to get any -- promotion just as any passed clerk. But to their misfortune and utter disappointment, the Accountant General's letter No.P.V. 25.8-5635 dated 9-3-1927 stood in their way, as it interpreted the Government Memo No. 2144 B.3 Law Education Department dated 9-9-1925 that "service for increment would count only from the date of order of exemption". A kind perusal of Answer to Question No. 1750 d. e. and f published at pages 505 and 506 of the Proceedings of the Legislative Council dated 23-3-1926 Volume XXIX No.7 and G.O. No. 97 Public dated 3-2- 1928 is earnestly solicited.

7. The memorialist now learns that the exemption order dated 4-1-1926 of Francis Pereira has since been ordered to be given effect to from 1-3-1925 by the Accountant General and he has been allowed to draw increments from 1-3-1927, while the order of exemption of the memorialist dated 23-9-1925 has been given effect to only from that date i.e 23-9-1925. In consequence of which he has been allowed to draw increments only from 23-9-1927. This obviously, this has made an invidious distinction between the memorialist and F. Pereira. There

(3)- 6 7

There will be absolutely no extennuating circumstances to justify the denial of the same treatment to the memorialist also, especially in view of the fact that the exemption order of the memorialist was evidently passed 3 months earlier --- than that of the latter and both of them possessing same -- qualifications were confirmed on one and the same date and order mentioned in para 2. The memorialist has therefore a real grievance.

8. In conclusion, the memorialist most respectfully prays that your Excellency, whose policy to do justice and to give contentment has always been admired, will be ----- graciously pleased to consider the memorialist's hard case, call for all the connected papers, if necessary (in order to remove the anamoly and invidious distinction) and mete out to the poor memorialist the bare justice by giving his prior exemption order the same effect as is given to the later --- exemption order of F. Pereira, in case your Excellency is -- convinced that the memorialist's prayer is quite reasonable and just, requiring redress for the reasons narrated in paras 5 and 7. By granting this ~~insignificand~~ humble prayer which will certainly be a boon to the poor memorialist - the Government will lose nothing and this would not also affect the Budget allotment sanctioned for the current year and the memorialist also hopes that the Accountant General will have no audit -- objection to this.

For which act of justice and benevolence the ---- memorialist will ever pray to his Almighty for your ---- Excellency's long life , happiness and prosperity.

2 3 9 25
3 25

REVENUE DIVISIONAL OFFICE
3-AUG1929
MANGALORE

B Venkatesha Sharma
29/7/29

N. Dis 1310-29-A5.

Submitted through the Revenue Divisional Officer, Mangalore.

2. The petitioners case is really a hard one and deserves sympathetic consideration and favourable orders. I have found the petitioner to be a very useful and efficient hand in my Office. The copies of the testimonials and the remarks enclosed to the memorial show that all the

officers have appreciated his work.

Mudhappa
31.7.29
Tahsildar

N. Dis 3594-29-A

Judicial 6.8.29 / No 7116-29 A2.

Submitted to the Collector of N. Kanara.

6.8.29
Revenue Divl officer

W M
3 8 29

(52) 8 9 5

Dis.No.2738-D/Rev.1917.

Proceedings of the Collector of South Kanara dated 21st September 1917.

Lionel Vibert, Esquire, I.C.S.

Read petitions P.R.Nos.1509/Rev and 1510/Rev of 1917 from B.Venkatesha Shenoi and Francis Pereira appealing against the --- Sub-Collector's order Dis.No.924.D./Rev.17 dated 9th August 1917 appointing D.Narayana Shetty and K.Mahabala Shetty as Forest clerks in the Udipi and Karkal Taluke Offices respectively.

Read also the Sub-Collector's N.Dis.C.C.1375 dated 11th --- September 1917 and N.Dis.C.C.1376 dated 8th September 1917 on the above petitions.

Read also the connected records.

****

In view of the fact that the new appointment created is -- expressly that of Forest clerk and was made with the definite int--ention of improving the position of these clerks, the actual in--cumbents had the very strongest claims to special consideration since thay had done the workfor five years. Both are well --- spoken of and there is nothing to show ~~(their officers have appre--ciated)~~ their records has been in any way unsatisfactory. Other Divisional Officer's have appreciated the equity of the case and taken the Collector's special sanction to confirm their acting men in similar circumstances. Under the circumstances, I cannot -- approve of the Divisional Officer's order and it is cancelled now in both cases, the respective acting clerks being now made permen--ant. Under article 370 C.S.R. their previous service will count for pension another circumstance which the Sub-Collector ~~has~~ omitted to con--sider as his order would have made them sacrifice this.

Sd/- P.Krishnan Nambiar
25-7-1917
For Collector.

(True Copy)

B.Venkatesha Shenoi
29/7/29

(7) 10

Few Copies of Remarks + Testimonials made by Officers out of many Copies

N.Dis.C.No.260/Sub-29.

Submitted through the Sub-Collector, Kundapur.

The petitioner is an intelligent and hard work-ing clerk. Though he is an unpassed hand, he has been discharging his duties more satisfactorily than many of the passed hands. He is fit for the post he now seeks and may be appointed to it.

Sd/- R. Shiva Rao.
20-1-1927
Tahsildar.

Forwarded and recommended.

Sd/- A. S. P. Iyer.
23-1-1927
Sub-Collector.

******

Submitted to the Revenue Divisional Officer, Kundapur.

The petitioner has been doing good work. He is in charge of the Abkari work, which is very heavy now. His a disturbance will dislocate the work. He may be allowed to continue in this office in place of U. Panduranga Rao, who -- has been appointed by the Collector as a clerk under the --- Special duty Collector, Mr. H. Shanker Rao.

Sd/- R. Shiva Rao.
17-10-24
Tahsildar.

****

While the petitioner was in charge of Transfer of Registry + Escheat work

Notes of inspection of the Taluk Manual or Accounts of Udipi Taluk held by the Collector, (C. A. Souter, Esquire I. C. S) on the 27th March 1925.

Register No. 6. -- Register of patta transfer cases -- seperate registers are maintained for K.R. and S.K.R. cases. K.R. Cases. -- It is satisfactory to note that there are no cases pending for one year on 1-3-1925.

There has been generally not much delay in the dis-posal of cases as result due to the systematic issue of --- reminders and the frequent scrutiny of the registers both

by the Taluk Head Accountant and the Tahsildar. x x x x . There has been some delay generally in transferring disposed of cases to Records during the time of the previous clerk but there has been marked improvement in this respect as well as in the prompt disposal of cases since the present clerk took charge of the work.

General:- The state of the accounts is on the whole satis--factory .

South Kanara Collector's Office)
M A N G A L O R E)
Dated: 29th M A R C H 1925)

Sd/- H. Subba Rao.
For Collector.

******

While the petitioner was in charge of Abkari work:-

Ref. P&D. No. 9/24.

PROCEEDINGS OF THE COLLECTOR OF SOUTH KANARA, MANGALORE.
Dated: 25th October 1924.

C. A. Scuter, Esquire, I.C.S.

Abkari -- D.C. and B. Statement -- Excise Revenue - D/25 Oct. 1924.

x x xx x

It is highly creditable that the Tahsildar of Udipi and Kundapur have left no recoverable arrears and the Collector hopes that other Tah--sildars will follow suit.

Sd/- H. Subba Rao.
For Collector.

******

N. Dis. on C. No. 7/Tour. 20.

Submitted through the Divisional Officer, Coondapur, for ------ favourable consideration.

This clerk has worked under me both in the Udipi Taluk Office and here. I have found him to be intelligent, industrious and ---- capable of discharging any clerical duties in the Taluk office and am glad to endorse every word of the testimonials of effeciency granted to him by successive Tahsildars. He is honest and trustworthy. -- a feature which I appreciate in him in addition to his efficiency. I have no doubt that his present attainments are very much superior to those of a passed S.S.L.C. holder, and it is but natural that he should apply for due --

(97 12

recognition of his merits. I stringly recommend, that the exemption which he prays for may be obtained for him as he richly deserves it.

Sd/-. S.Babu Rao.
7-12-20
Ag.Tahsildar.

Submitted for favourable consideration.

2. The petitioner's case is really a hard one. He has discharged his work very satisfactorily. He is a smart and a competant hand. Though he is an unpassed hand he is as good as a passed hand. It will too cruel to ask him now to seek employment elsewhere after he has served about five years in the Revenue Department. He is aged 24 years and 9 months and he will thus be age barred shortly. In these circumstances I consider that he richly deserves confirmation in the post he holds and strongly support his prayer.

28-7-1927.

Sd/- B.Krishnachri
Tahsildar.

Submitted for favourable consideration.

The petitioner is a good clerk. Though he is an ~~unpasse~~ unpassed hand. I have found him as good as a passed hand. He deserves encouragement.

Camp K a r k a l)
Dated: 8-12-1920.)

Sd/- M.Ananthan Nayar.
Revenue Divisional Officer.

Forwarded. I fully agree with the Tahsildar and strongly endorse every word of his endorsement. I would have confirmed the petitioner myself if the recent G.O. had given me some option in the matter.

Sd/- J. Sadashiva Iyer.
30-7-1927
District Forest Officer,
Mangalore North.

Forwarded for favourable consideration.

The petitioner's work as a forest clerk, was quite satisfactory.

Sd/ J. Sadashiva Iyer.
2-9-1917
District Forest Officer.
Mangalore North.

P.T.O

(10) .3

COPIES OF TESTIMONIALS.

B.Venkatesh Shenai, Forest clerk, Taluk Office, Udipi was a Forest clerk in my office before his transfer to Udipi. He served directly under me for three months and I found him always a very industrious and willing worker. He writes a very beautiful hand. He is strong and energetic and in my opinion will do full justice to the post if appointed.

Karkul)
8-3-1916.)

Sd/- T.P.Shanker Rao.
Tahsildar.

B.Venkatesha Shenai
29/7/19

COLLECTOR'S OFFICE
5 AUG 1929
SOUTH KANARA

15

Mangalore
Dated: 31st July '29.

To His Excellency the Governor in Council, Fort St George Madras

Thro The Commissioner of Land Revenue & Settlement:

And the Accountant General Madras.

& The Collector of South Kanara.

REVENUE DIVISIONAL OFFICE
3-AUG1929
MANGALORE

Sby: Sub Humble memorial of Le Baeba Clerk, Taluk Office, Mangalore, dated 31st July 1929.

May it please your Excellency

(17) 14

proceedings of the High Court of Judicature at Madras

Read the following paper:-
Letter from the Secretary Accountant General Madras No.T.M.25-9-4095 dated the 20th/21st March 1923 to the Registrar of High Court Madras.

With reference to your letter No. R.O.C. 480 /23 regarding the ~~end~~ grant of increments to unpassed candidates, I have the honour to state that in all cases of approved service, the sanction of the heads of offices is sufficient for the drawal of increments. The orders of the Head of the Department are necessary only for crossing of the Efficiency bar at R50/-

---

(True Copy) B Venkatesha Shenoy
29/7/29

(c) and G.O.No.97 Public dated 3-2-1928.)

(b) 5. The memorialist now learns that the exemption order dated 4-1-1926 of Francis Pereira has since been ordered to be given effect to from 1-3-1925 and he has been allowed by the Accountant General - to draw increments from 1-3-1927. Thus it makes invidious distinct-ion between the memorialist and F.Pereira. There will be absolute-ly no extenuating circumstances to justify the denial of the same treatment to the memorialist also, especially in view of the fact

that the exemption order of the memorialist was passed three months earlier than that of the latter and that both of them possessing -- same qualifications were confirmed on one and the same date and order. The memorialist has therefore a real grievance.

6. In conclusion, the memorialist most respectfully prays that your Excellency whom is ~~also~~ always prepared to do justice will be --- graciously pleased to considerthe memorialist's hard case, call for the connected papers, if necessary, inorder to remove invidious --- distinction and mete out to the poor memorialist the bare justice by giving his prior exemption order the same effect as is done in the case of F.Pereira, for the reasons narrated in paras 3 and 5 Supra (and for which he hopes there will have no audit objection from the Accountant General and the Government will also lose nothing by --- granting this insignificant prayer), in case your Excellency is con--vinced that the memorialist's prayer is quite reasonable and just requiring redress; for which act of justice and benevolence, the - memorialist will ever pray to His Almighty for Your Excellency's -- long life and happiness and prosperity.

E. P. Pereira
31.7.29.

Mr. G R 754-29
Submitted through the Revenue. Divl. officer, Mangalore.

Sd/
3.8.29

N. Dis 3593-29-A
Submitted.

Asst. Commissioner
Asty Sub-Magistrate
31.7.29

Mr. Dist 4.8.29
Revenue Divisional Officer

3.8.29

17

Letter-from The Accountant-General, Madras.

To-the District Forest Officer, North Mangalore.

Dated- Fort St. George, 4th April 1928.

No.- F.VI-1-3.

****

Reference: Your R.O.C.No.157/W.A. dated 12th March 1928 as to the date of increment to be allowed in the case of unpassed clerk F. M. Pereira.

****

The clerk can count service for increments from 1st March 1925 i.e., he can draw Rs.36½ with effect from 1st March 1927.

M.D'S.22/10.

A S 4/22-00

c/u B 4/1/26

2/4/1-

18-1

Pub-dept

W/4/1

memo No. 4 R 38-1 d 3.1.26

P.S.N. — Art. 7 — Exemption — Retrospective effect — F.M. Pereira, clerk, Dt. Forest office, Mangalore North Div.

In its Proceedings No. 5 Rukma d 4.1.1926, the Board of Rev. permitted (an unpaired clerk) F.M. Pereira to rise in his time scale with effect from the 1st March 1925. This was irregular as under para 3 of memo No. 2144 B-34 d 9.9.1925, the period of service prior to the date of exemption cannot count for increments. It is reported that in his letter to the Dt. Forest officer, North Mangal

p 17 C.f. No. 7-VI-1-3 d 4.4.1928, the A.G. has stated that the clerk can count service for increments from 1st March 1925. The A.G. is requested to to state the reason for holding this view in

Mr Pereira's case

K.R
25/12/29

19

Dtd by ~~Van~~ ~~Post~~

Dispatched RCS

Date 6.1.30

To the AG.

R.S. 1.2.1930

20

OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS.

8 - FEB 1930

St. George, 6th February 1930.

Enclosures.

No. F. VI-1-586.

Subject:-- F.M. Pereira--unpassed clerk--question of date of increment--Government Memo No.4638-1 dated tne 3rd January 1930.

When the Board granted exemption to the clerk with effect from 1st March 1925 in their proceedings Routine No. 5 dated 4th January 1926 that body had the power to grant exemption as this power was withdrawn only in G.O. 773 Law Education dated 3rd May 1926.

The words "date of exemption" occuring in memo No. 2144 B-3 L.E. dated 9th September 1925 were interpreted in this office to mean the actual date of exemption" and not the date of order granting the exemption. This office letter F.VI-1-3 dated 4th April 1928 was therefore based on such an interpretation and this is in order with reference to the third sub-paragraph of article 232 Civil Account Code Volume I as reconstructed by Correction slip No.15 dated 1st April 1926 and also with reference to the last sub-paragraph of article 30 F.Madras Financial and Account Code, Volume I.

Deputy Accountant General.

To

The Chief Secretary to the Government of Madras,

Public Department, Madras.

E.T.K. 6-2-'30.

21

Public Department.

P.S.N. - Article 1 - Exemption -Venkatesh Shenai B and Baba U. -Clerks, Taluk Office, Mangalore - Increments with retrospective effect.

(C.No.4638) From the Board of Revenue, L.R & S. Ref.No.E-6036/29-1 dated 18-11-1929.

Please see the Board's reference at pp.3-4 c.f. The memorialists were exempted by the Board to rise in the time-scale, in its Proceedings No.4615 dated 23-9-1925 and ~~and~~ count-service for increment only from 23-9-1925. Their request that the exemption order should be given retrospective effect from 1-3-1925 is inadmissible: vide para. 3 of Memo.No.2144, B-3 L.E dated 9-9-1925 and portion marked M at page 1 of G.O. No.97 Public dated 3-2-1928.

G.O.No.1156 Rev. dated 12-7-1926 quoted one of the petitioners in para. 6 at page 6 C.F. does not apply to the cases in question as those affected by that G.O. were passed men under the P.S.N; nor does the answer to the L.C.Q. quoted by both the petitioners ~~mentioned in the letter~~ say anything about the grant of retrospective effect to orders of exemption ~~correctly fixed before the date of exemption of G.O.250 Public dated 15-3-1928.~~

2 The Board's action in having given retrospective effect to the exemption order passed in favour of F. X. Pereira is irregular. For orders whether the

6. may be asked to state the reason for holding that Mr.Pereira can count service for increments from 1st March 1925— vide his letter at p17 c/f

Draft Memo. submitted for consideration.

[redacted]

Please see the A.G's reply to the reference at page 20 c/f. Under para 30 -F of the Madras and Financial and account Code, Vol.1, an order of Govt. or other authority will take effect from the date on which it is passed unless the order itself contains anything contrary to this effect. In the case of Mr. Periera though the G.O. granting him exemption is dated 4-1-26, it is specifically stated in it that it will take effect from 1-3-25. It is not known what led the Board to antedate the exemption.

2 In Memo No. 2144 B-3 d.9-9-25, the A.G was informed that the period of service prior to the date of exemption would not be allowed to count for increments. The intention was that exemption could have effect only from the date of the order granting exemption though it was not so specifically stated in the memo- vide portion marked 'W' at p.4 of the memo. This Memo does not appear to have been communicated to the Board of Rev. at the time. In the circumstances it is for orders whether Mr. Pereira may be permitted to draw increments from 1-3-25 though it was granted irregularly or whether the ruling at flag (P) may be applied to this case.

3. There is no reason why the memorialists should be allowed to draw increments from 1-3-25 because it was irregularly granted in another case.

Exactly
C.F.V.W.

Submitted for orders.

K.R.
26-2-30

There is no case whatever for granting the request of these 2 men.

As to Mr. Pereira's case however - which they cite as an example - it is a question whether he may be allowed to get away with it or whether the ruling at (P) should be applied. If the latter is done, he will not again be held up to Govt. as an argument for conceding irregularities in other cases. (I may note here that ~~The ruling at (P) has often been applied to~~ that Govt. have just issued orders emphasising that for the future ~~it~~ that ruling must be regarded as a concession). I do not know whether there are any cases of such an irregularity having been condoned.

incorporated at the foot of para 3 of marked A in 1084 Part (B) 24.10.29

vide para 3 of 1084 Part (B) 24-10-29

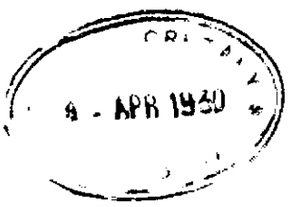
Having got thus far in my note, I asked the office to see whether there were any cases of the irregular grant of increments with retrospective effect having been condoned. They have been able to find none (having taken nearly a month). On the other hand, in cases where Heads of Departments specifically granted

C3/4
R4/4

granted increments from an antecedant date the ruling at (P) was applied. Examples are G.O.No. 262 Public dated 21-3-1927 and G.O.No. 726 Public dated 11-8-1927.

I submit therefore that this ruling may be applied to Mr. Pereira. Recovery of overdrawals may however be waived.

C.F.V.W.
30-3-30



I agree with us. CS

C 3/4/30

C3 alle
3.4.30

A draft order is submitted. It may be sent to the Finance dept for acceptance before issue.

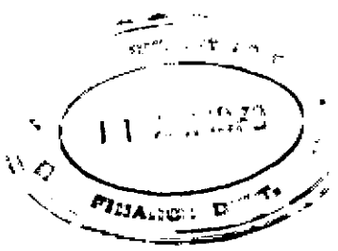
Folios 468/pg-2
11.4.30

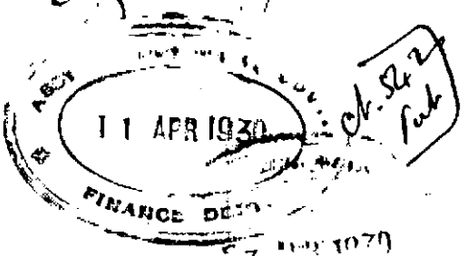
Ky
5.4.30

ER
7/4/30

C 5/4

In





Finance ER

The draft order may be accepted and the Case returned to Pub. (Political)

SKAR
16.4.30.

21/4/30

Pub (Pol.) no

Franco 13010 ER-1
23.4.30

13010

25

Public Dept.

The draft may now issue.

23.4.30

25/4/30

80 521/MS

Sectt. II-5 (b)—15,006—6-11-29.

Public DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

P.S.N. - Article 1 - Exemption - Venkatesh Shenai, B and Baba, U.- Clerks, Taluk Office, Mangalore - Increments with retrospective effect- Refused - Pereira, F.M. - Increments drawn with retrospective effect - Pay refixed.

READ AGAIN G.O. No. ....., dated ..... 19 .

" " " " ..... " ..... 19 .

READ ALSO:—

C. No. ..... From the ....., No. ....., dated 19

" " ..... " " ..... " ..... " 19

" " ..... " " ..... " ..... " 19

ORDER.

MS

No. 521, dated 26-4-1930

The Govt. are unable to accept the recommendation of the Board of Revenue in its Reference No. E-6036/29-1 dated 18-11-1929 that B.Venkatesh Shenai and U. Baba, Clerks in the Taluk Office, Mangalore, may be allowed to count service for increments with retrospective effect from 1-3-1925.

2. The Board's action in having exempted F.M. Pereira in B.P.No.5 Routine, dated 4-1-26 with retrospective effect from 1-3-1925 is irregular. In view however

however of the hardship that will be caused to the clerk if his pay is reduced, the Govt. direct that he shall remain on his present pay until starting from Rs.35/- and counting service for increments from 4-1-1926, the date of the B.P. granting exemption he reaches the present figure by a normal rise in the scale; when this occurs he will draw further increments according to the scale up to the efficiency bar. The Govt. are pleased to waive the recovery of the overpayments drawn by ~~him~~ the clerk up to ~~till~~ the date of these proceedings.

Dy. by I(1) - (2)&(3)

Dy. i/c RK

Date 28/4/30

To the Board of Revenue, L.R & S. with ref. to its Ref.No. E-6036/29-1 dated 18-11-29.

" Accountant-General, Madras, through Finance, with ref. to the correspondence ending with his No.F.VI-I-586 dated 6-2-30. (para 2 only)

Copy to the Finance Department. (para 2 only)